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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,120	07/10/2001	Kirk Steven Tecu	10013035-1	9543

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,120

Applicant(s)

TECU ET AL.

Examiner

Houshang Safaipoor

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 is/are allowed.
- 6) ☒ Claim(s) 1-5,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's amendment filed on November 7, 2005, has been fully considered, however, his arguments are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurosawa et al. (U.S. Patent No. 6,714,324).

Regarding claim 1, Kurosawa et al. discloses a template for a scanning system, the template comprising: a template body (fig. 4, 201 a or 201 b), and

an actuation device (fig. 4, 206 a or 206 b) disposed on the template body for actuating a switch (fig. 4, 131), actuation of the switch based on a type of media supported by the template (col. 7, lines 29-65).

Regarding claim 2, Kurosawa et al. discloses the template according to claim 1, wherein the template further comprises an insert area for receiving a transparent media therein (fig. 4, 203 a or 203 b).

Regarding claim 3, Kurosawa et al. discloses the template according to claim 1, wherein the template body is opaque (fig. 4).

Regarding claim 4, Kurosawa et al. discloses the template according to claim 1, wherein the switch is on a transparent media adapter and the actuation device is a protrusion (col. 7, lines 29-65).

Regarding claim 5, Kurosawa et al. discloses the template according to claim 1, wherein actuation of the switch results in generation of a signal, the signal being transmitted to a computer operable to control the scanning system, the computer directing the scanning system to execute a scan routine in response to reception of the signal (controller 140, col. 7, lines 36-46).

Regarding claims 9 and 10 arguments analogous to those presented for claims 1 and 5 are applicable to claims 9 and 10.

Allowable Subject Matter

Claims 6-8 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 -22 are allowed.

Claims 1-5, 9 and 10 are also rejected under 35 U.S.C. 102(e) as being anticipated by Kunishige (U.S. Patent No. 6,195,182).

Regarding claim 1, Kunishige discloses a template for a scanning system, the template comprising: a template body (fig. 3, template 6), and

an actuation device (fig. 3, 6b) disposed on the template body for actuating a switch (fig. 5, detection means 28 and switch 18, col. 5, line 61 through col. 6, line 9), actuation of the switch based on a type of media supported by the template (col. 5, line 61 through col. 6, line 9).

Regarding claim 2, Kunishige discloses the template according to claim 1, wherein the template further comprises an insert area for receiving a transparent media therein (fig. 3, Insert area 6c).

Regarding claim 3, Kunishige discloses the template according to claim 1, wherein the template body is opaque (fig. 3).

Regarding claim 4, Kunishige discloses the template according to claim 1, wherein the switch is on a transparent media adapter and the actuation device is a protrusion (col. 5, line 61 through col. 6, line 9).

Regarding claim 5, Kurosawa et al. discloses the template according to claim 1, wherein actuation of the switch results in generation of a signal, the signal being transmitted to a computer operable to control the scanning system, the computer directing the scanning system to execute a scan routine in response to reception of the signal (col. 5, line 61 through col. 6, line 9).

Regarding claims 9 and 10 arguments analogous to those presented for claims 1 and 5 are applicable to claims 9 and 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
July 22, 2005


EDWARD COLES
COMMUNITY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2620